



BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2014-0014]

Retail Exemptions Adjusted Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the dollar limitations on the amount of meat and meat food products, poultry, and poultry products that a retail store can sell to hotels, restaurants, and similar institutions without disqualifying itself for exemption from Federal inspection requirements. In accordance with FSIS's regulations, for calendar year 2014, the dollar limitation for meat and meat food products is being increased from \$69,600 to \$70,400 and for poultry products from \$54,500 to \$57,100. FSIS is changing the dollar limitations from calendar year 2013 based on price changes for these products evidenced by the Consumer Price Index.

DATES: [INSERT 30 DAYS AFTER PUBLICATION].

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Issuances Staff, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6067, South Building, Washington, DC 20250; (202)690-6510.

SUPPLEMENTARY INFORMATION:

Background

The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) provide a comprehensive statutory framework to ensure that meat, meat food products, poultry, and poultry products prepared for commerce are wholesome, not adulterated, and properly labeled and packaged. Statutory provisions requiring inspection of the preparation or processing of meat, meat food, poultry, and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants when those operations are conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities (21 U.S.C. 661(c)(2) and 454(c)(2)). FSIS's regulations (9 CFR 303.1(d) and 381.10(d)) elaborate on the conditions under which requirements for inspection do not apply to retail operations involving the preparation of meat and meat food, and processing of poultry and poultry products.

Sales to Hotels, Restaurants, and Similar Institutions

Under these regulations, sales to hotels, restaurants, and similar institutions (other than household consumers) disqualify a retail store for exemption if the product sales exceed either of two maximum limits: 25 percent of the dollar value of total

product sales or the calendar year dollar limitation set by the Administrator. The dollar limitation is adjusted automatically during the first quarter of the year if the Consumer Price Index (CPI), published by the Bureau of Labor Statistics, shows an increase or decrease of more than \$500 in the price of the same volume of product for the previous year. FSIS publishes a notice of the adjusted dollar limitations in the Federal Register. (See 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b).)

The CPI for 2013 reveals an annual average price increase for meat and meat food products at 1.2 percent and for poultry products at 4.7 percent. When rounded to the nearest \$100, the dollar limitation for meat and meat food products increased by \$800 and the dollar limitation for poultry products increased by \$2,600. Because the dollar limitation of meat and meat food products and poultry products increased by more than \$500, FSIS is increasing the dollar limitation on sales to hotels, restaurants, and similar institutions to \$70,400 for meat and meat food products and to \$57,100 for poultry products for calendar year 2014, in accordance with 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b).

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at

<http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register>

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<http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service>.

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Done at Washington, DC on: June 9, 2014

Alfred V. Almanza

Administrator

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